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Viewing cable 08USNATO468, ALLIES VOICE CONCERNS OVER LEGAL STATUS OF NTM-I

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- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
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Reference ID Created Released Classification Origin
[08USNATO468](#) 2008-12-17 18:03 2011-08-30 01:44 CONFIDENTIAL Mission USNATO

Appears in these articles:

<http://www.wikileaks.elfaro.net/es/201108/notas/5468/>

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C O N F I D E N T I A L SECTION 01 OF 02 USNATO 000468

SIPDIS

E.O. 12958: DECL: 12/16/2018
TAGS: [PREL](#) [PGOV](#) [MARR](#) [MOPS](#) [IZ](#) [ES](#) [RO](#) [AS](#) [EN](#) [UK](#)
SUBJECT: ALLIES VOICE CONCERNS OVER LEGAL STATUS OF NTM-I

REF: BAGHDAD 3940

Classified By: A/DCM W. Scott Reid for reasons 1.4(B)&(D).

¶1. (C) Summary: During the December 17, 2008 North Atlantic Council (NAC) meeting, Allies expressed serious concern about the possibility of a lapse in the authorization and legal protections for the NATO Training Mission - Iraq (NTM-I). They also expressed concerns that the draft law approved by the Council of Representatives calls for NATO's withdrawal by July 31, despite an earlier letter from PM Maliki inviting NATO to stay until the end of 2009. To assure Allies of Iraq's interest in NTM-I remaining and to prevent Allies from withdrawing, we suggest conveying to appropriate Iraqi authorities the need to rapidly conclude a new exchange of letters extending NTM-I at least through 2009 in the initial implementing EOL between the GOI and NATO. End Summary.

¶2. (C) The NAC discussed the legal status of the NTM-I on December 17. The SYG explained that so far, NATO had received no response from the Government of Iraq (GOI) regarding the proposed Exchange of Letters (EOL) authorizing NTM-I to continue beyond December 31, 2008, although he noted the Iraqi Council of Ministers approved a new draft law that sets out the legal basis for NTM-I. The law still must be approved by the Council of Representatives (COR). The SYG announced he would circulate a text of the draft law among nations, and that the protections afforded by this new law are similar, but not the same as those in the U.S. SOFA. (Note: NATO had planned on signing an exchange of letters with the GOI that would cite relevant articles from the U.S. SOFA. It is unclear whether the slightly different protections afforded by this new law will satisfy the Allies, who must agree by consensus. ASG Howard told USNATO he received this text through UK sources in Iraq. End Note.) The SYG announced that NATO Legal Advisor Devidts thinks the law provides adequate authority and protections for NTM-I to continue into the new year. It is understood that a new EOL is needed, as called for in the new law.

¶3. (C) The SYG acknowledged that if the new Iraqi law is not passed in time, NATO will have to instruct its commanders to cease operations and confine personnel to base effective January 1, 2009.

¶4. (C) NATO Assistant SYG for Operations Martin Howard explained that the initial Iraqi response to the proposed EOL was positive, but due to Iraqi domestic considerations, the Prime Minister decided they needed a new law passed by the Council of Representatives. Howard explained that the new law calls for NTM-I to terminate its mission by July 31, 2009, but there is a possibility of an extension. Howard said he is confident NATO would be offered an extension as PM Maliki has already requested that NTM-I continue through ¶2009. Howard said the only substantive difference with the U.S. SOFA is that Iraq will have jurisdiction when "grave and premeditated misdemeanors" are committed by NATO forces off base, whether on or off duty (U.S. servicemembers accused of such acts can only fall under Iraqi authority when off base AND off duty.)

¶5. (C) Italy expressed concern, calling this a serious issue, and saying that if no legal status is established by December

31, 2009, NATO will have to freeze operations. Italy also expressed concern that the six month extension (until the end of 2009) needs to be in place for planning purposes. (Note: Italy is currently the largest force contributor to NTM-I.) The Netherlands, Romania, and Portugal also expressed serious concern over the potential for a lapse in legal authority and protection for NTM-I. Romania asked the SYG to provide an explanation of the differences in the previous legal status compared to those afforded by the new law. The UK expressed hope that the new law will pass in a timely fashion and saw the Iraqi progress on moving the draft law ahead as "generally positive," per UK sources in Baghdad. (Note: The UK Mission to NATO has informed us that a delegation from London is in Baghdad, trying to wrap these issues up through back channels. End Note.)

16. (C) NATO Allies currently contributing forces to NTM-I include Czech Republic, Denmark, Estonia, Hungary, Italy, Lithuania, Netherlands, Poland, Portugal, Romania, Slovenia, Turkey, United Kingdom and United States.

17. (C) Comment and Action Request: We have been fortunate that Allies have not made the lack of legal status for NTM-I an issue sooner. Allies VOLKER